

Sixth Appellate District

San Jose, California

MONDAY, MARCH 5, 2007

H030789 PEOPLE v. CHAVEZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 5, 2007

H030166 In re JULIUS L.; D.F.C.S. v. DEVON L. et al.

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed March 5, 2007

H029840 PEOPLE v. ALDERMAN

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed March 5, 2007

H029750 PEOPLE v. LEWIS

The judgment is reversed. (not published)
(Rushing, P.J.; I concur: McAdams, J.; concurring opinion by:
Mihara, J.)
Filed March 5, 2007

TUESDAY, MARCH 6, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H029918 MARRIAGE OF JULIE AND ROGER SCHLAFLY

Cause called and argued by appellant Roger Schlafly, appearing in propria persona and Julie Travers (formerly Schlafly), respondent appearing in propria persona. Cause ordered submitted.

H028862 SBERI v. ZOLFAGHARI, et al.

Cause called and argued by Xavier Lavoipierre appearing for Appellant and by respondent Mehdi Zolfaghari appearing in propria persona. Cause ordered submitted. Court adjourns.

H028165 FRASER v. PC-TEL, INC.

By the Court*:

Appellants' petition for rehearing is denied.
Filed: March 7, 2007

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

Sixth Appellate District

San Jose, California

Tuesday, March 6, 2007 (continued)

The following cases are submitted this date:

H030540 In re PAULINE H.; D.F.C.S v. PAULINE H.
H029989 PEOPLE v. TAYLOR
H029934 PEOPLE v. BARNES
H030459 PEOPLE v. BLYTHE
H029629 In re LAVONT B.; MONTEREY COUNTY DSS v. LAWRENCE B.
H029770 STANTON v. JEFFERY
H029583 PEOPLE v. CLARKE
H030033 PEOPLE v. WILKS
H029953 PEOPLE v. WILSON
H030253 SONG v. YE
H030546 WAINA v. MONTEREY COUNTY DEPARTMENT OF CHILD SUPPORT
SRVCS.
H030066 PEOPLE v. LARSEN
H030172 PEOPLE v. RAMIREZ
H030175 PEOPLE v. MURPHY

WEDNESDAY, MARCH 7, 2007

H029858 PEOPLE v. GOMEZ

The judgment is reversed. The matter is remanded to the trial court with instructions to vacate its previous order directing defendant to pay up to \$1,000 in attorney fees. The court shall then either conduct a noticed hearing on appellant's ability to pay attorney's fees pursuant to Penal Code section 987.8 or direct the clerk of the court to amend the abstract of judgment to strike the attorney's fee order. The court may impose a new order to pay attorney fees if it determines that defendant has the ability to pay. The remainder of the judgment is unaffected by this decision. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed March 7, 2007

H030402 PEOPLE v. HUMBERTO J.

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed March 7, 2007

Sixth Appellate District

San Jose, California

Wednesday, March 7, 2007 (continued)

H030506 PEOPLE v. KEO

The order directing defendant to pay \$2,500 in attorney fees is reversed. The matter is remanded to the trial court to either hold a noticed hearing to determine defendant's present ability to pay fees in accordance with the statute before directing him to do so or strike the order. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed March 7, 2007

H030572 In re ANGELINA C., et al.; DFCS v. CYNTHIA B., et al.

The orders terminating David C.'s and Cynthia B.'s parental rights with regard to Angelina C. and Christina C. under Welfare and Institutions Code section 366.26 and denying David C.'s request to modify a prior order under Welfare and Institutions Code section 388 are affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed March 7, 2007

H030593 In re LEXANDREA H.; DFCS v. ELISA H.

The order appealed from is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 7, 2007

H029629 In Re L.B.; MONTEREY COUNTY D.S.E.S. v. LAWRENCE B.

The order terminating parental rights is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed March 7, 2007

THURSDAY, MARCH 8, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and J. Michel, Deputy Clerk.

H028514 PEOPLE v. GARCIA

Cause called and argued by Steven Samuel Lubliner appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029171 PEOPLE v. ESTES

Cause called and argued by Peter B. Meadow appearing for Appellant and by Michael E. Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, March 8, 2007 (continued)

H030006 PEOPLE v. PHILLIP O.

Cause called and argued by David D. Martin appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. leaves the bench and Duffy, J. takes the bench.

H028369 FONSECA, et al. v. CITY OF GILROY

Cause called and argued by Richard Marcantonio appearing for Appellants and by Andrew L. Faber appearing for Respondents. Cause ordered submitted. The court stands in adjournment.

H029442 PEOPLE v. MARTINEZ

By the Court:

On the court's own motion, the submission order in the above-entitled cause filed January 9, 2007, is hereby vacated. The matter is ordered placed on the court's oral argument calendar to be held at the Panelli Moot Court Courtroom, Bergin Hall-School of Law, Santa Clara University, Santa Clara, California, on Tuesday, April 17, 2007, at 9:30 a.m.

The cause will be resubmitted upon completion of oral argument.

Dated: March 8, 2007

Bamattre-Manoukian, Acting P.J.

FRIDAY, MARCH 9, 2007

The following case is submitted this date:

H029542 PEOPLE v. REYNAGA

H029055 RODRIGUEZ v. HEWLETT PACKARD

By the Court:

Appellant's request for oral argument is denied. The matter is ordered submitted.

Dated: March 9, 2007

Mihara, Acting P.J.

H029055 RODRIGUEZ v. HEWLETT PACKARD

Since neither of the orders that are the subject of this appeal is appealable, the appeal is dismissed. (not published) (Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed March 9, 2007

Sixth Appellate District

San Jose, California

Friday, March 9, 2007 (continued)

H030303 IN RE NEEDLES CASES; JANE DOE 8015, et al. v. THE
SUPERIOR COURT (SMITHKLINE BEECHAM CORP., et al.)

Let a peremptory writ of mandate issue directing respondent
court to vacate its order striking petitioners' peremptory
challenge and to enter a new order accepting the challenge. The
temporary stay order is dissolved. Petitioners are to recover
the costs of this petition. (published)

(Elia, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed March 9, 2007